



WEB COPY



W.P.No.20753 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.20753 of 2023 and
W.M.P.Nos.20130, 20131 & 20176 of 2023

A.M.Sivashankar,
S/o.A.S.Muthukumarasamy,
Formerly Section Officer (u/s),
Tamil Nadu Public Service Commission,
Chennai-03.

... Petitioner

Versus

1.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai-03.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai-03.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of writ calling for the records of the 2nd respondent in connection with the impugned order passed by him in proceedings No.7364/PD-D3/2017 dated 27.11.2017 and the Review order in Memo No.1277/PD-E4/2019 dated 11.10.2019 and the subsequent rejection order in Memo No.142/PD-B2/2022 dated 05.07.2022 and to quash the same and to direct the respondent to reinstate the petitioner into service.



W.P.No.20753 of 2023

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.R.Bharanidharan

ORDER

This Writ Petition has been filed to call for the records of the 2nd respondent in connection with the impugned order passed by him in proceedings No.7364/PD-D3/2017, dated 27.11.2017 and the Review order in Memo No.1277/PD-E4/2019, dated 11.10.2019 and the subsequent rejection order in Memo No.142/PD-B2/2022, dated 05.07.2022 and to quash the same and to direct the respondent to reinstate the petitioner into service.

2.The case of the writ petitioner is that he was placed under suspension by order, dated 27.11.2017 in No.7364/PD-D3/2017 and he has challenged the same before this Court in W.A.No.1956 of 2019. However, this Court, by judgment, dated 13.08.2019 in W.A.No.1956 of 2019 directed the Secretary, Tamil Nadu Public Service Commission, Chennai/2nd respondent herein to review the suspension of the petitioner and take a decision as to whether he should still be placed under suspension. Despite the judgment of the Hon'ble Division Bench, the suspension of the



W.P.No.20753 of 2023

petitioner was not reviewed. It is further contention that in W.P.No.4184 of 2023 filed by the co-delinquent, namely, V.Perumal, this Court, by order, dated 13.02.2023 directed the Chairman, Tamil Nadu Public Service Commission, Chennai/1st respondent herein to complete the disciplinary proceedings within a period of twelve weeks. Even then, the disciplinary proceedings has not been completed. Hence, he seeks direction of this Court to review the suspension.

3.The learned counsel appearing for the petitioner submitted that the petitioner is under prolonged suspension for the past six years and there is no progress in the criminal case. Despite the direction of this Court, dated 13.08.2019 in W.A.No.1956 of 2019, the suspension of the petitioner has not been reviewed and the disciplinary proceedings has not been concluded. Hence, the learned counsel for the petitioner takes notice for the respondents. According to the respondents, serious charges have been framed against the petitioner and infact one of the charge is with regard to paper leakage relating to Group-I written examination in the year 2016.



W.P.No.20753 of 2023

WEB COPY

4.The learned counsel appearing for the respondents submitted that the Enquiry Officer has already been appointed, however, he is retired from service. Now, the copies have been sought from the Lower Court. Once the copies have been obtained from Lower Court, enquiry will be concluded.

5.Heard the submissions of Mr.S.Sivakumar, learned counsel for the petitioner and Mr.R.Bharanidharan, learned counsel for the respondents and perused the materials.

6.It is seen that the disciplinary proceedings against the petitioner has already commenced and almost eight charges have been framed against the petitioner, which are serious in nature.

7.In such view of the matter, there shall be a direction to the respondents to conclude the disciplinary proceedings against the petitioner within a period of six months from the date of receipt of a copy of this order.



W.P.No.20753 of 2023

WEB COPY

8.The petitioner is directed to give representation to the respondents within a period of one week from today for enhancing the subsistence allowance as per Rules. On such representation, the subsistence allowance, as per Rules, shall be paid to the petitioner immediately.

9.With the above directions, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

14.07.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

vv2

To

1.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai-03.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Broadway,
Chennai-03.



WEB COPY



W.P.No.20753 of 2023

N.SATHISH KUMAR, J.
vv2

W.P.No.20753 of 2023

14.07.2023